

<b>Committee:</b> Strategic Development	<b>Date:</b> 27 <sup>th</sup> October 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jane Jin		<b>Ref No:</b> PA/11/01278	
		<b>Ward(s):</b> St Katharine's and Wapping	

## 1. APPLICATION DETAILS

**Location:** 134 to 140 Pennington Street & 130, 136 & 154 to 162 The Highway

**Existing Use:** Vacant site

**Proposal:** Redevelopment of the site to provide a 242 room hotel (class C1), 63 serviced apartments (sui-generis) and retail (class A1) building with publicly accessible courtyard together with provision of pedestrian access.

**Drawing Nos:** PL-001; PL-002; PL-003; PL-050; PL-098A; PL-099C; PL-100C; PL-101; PL-102A; PL105A; PL-106B; PL-120B; PL-121B; PL-122B; PL-123B; PL-130; PL-131; PL-150A; PL-151A; PL-152A; PL-153A; PL-500; PL-501; PL-502.

Documents:

Design and Access Statement  
Townscape and Visual Impact Assessment  
Heritage Baseline Study  
Planning Statement Volume 1  
Hotel Demand Study Volume 2  
Energy Strategy Report Volume 3 Revision G  
Sustainability Statement Volume 4  
Daylight, Sunlight & Shadow Study Volume 5  
Noise Assessment Volume 6  
Wind Assessment Volume 7  
Ecology Assessment Volume 8  
Archaeological Statement Volume 9  
Transport Assessment & Framework Travel Plan Volume 10  
Waste Management Plan Volume 11  
Statement of Community Involvement Volume 12

**Applicant:** Al Mubarakia Ltd

**Owner:** Transport for London, LBTH Highways, Messila House Ltd

**Historic Building:** No – however the adjacent buildings to the south of the site, Tobacco Dock is Grade I Listed, and north of the site on the Highway, Church of St Georges in the East is Grade I Listed.

**Conservation Area:** No, however the site is adjacent to the St Georges in the East Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- A hotel scheme will contribute to the strategic target for new hotel accommodation. The scheme therefore accords with policy 4.5 of the London Plan (2011), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies CFR1, CFR21, CFR23 and CFR26 of the City Fringe Area Action Plan of the

Interim Planning Guidance (2007) which seek to promote and concentrate tourism and hotel developments within the City Fringe Opportunities Area.

- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the adjacent Listed Buildings and the adjacent St Georges Town Hall Conservation Area. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.4, 7.6, 7.8 and 7.9 of the London Plan (2011) as well as saved policy DEV1 of the Unitary Development Plan (1998); policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007); policies CFR1 and CFR24 of the City Fringe Area Action Plan of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets.
- The development and associated public realm improvements are considered to be inclusive and also improves the permeability of the immediate area. As such, it complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998); policy SP09 of the Core Strategy (2010) and policies DEV3 and DEV4 Interim Planning Guidance (2007) of the Council's Interim Planning Guidance (October 2007); CFR2 of City Fringe Area Action Plan of the Interim Planning Guidance (2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.
- It is not considered that the proposal would give rise to any undue impacts in terms of loss of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (2010) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity.
- Transport matters, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable, low carbon development practices.
- Financial contributions have been secured towards the provision of training initiatives; street scene and public realm improvements; open space; heritage improvements; Legible London pedestrian wayfinding system; and leisure and tourism promotion in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, saved policy DEV4 of the Council's Unitary Development Plan (1998) and policy SP13 of the Core Strategy (2010) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Employment & Enterprise: Up to **£108,108** towards the training and development of unemployed residents in Tower Hamlets to access (see (i) below):
  - o Jobs within the hotel developmental end-use phase (£42,060);
  - o Jobs during the construction phase of the development (£35,048);
- b) Highways, Street scene and Public Realm: **£135,000** towards improvements
- c) Heritage Improvements: **£100,000** towards disabled access improvements to the Grade I listed St Georges in the East Church:
- d) Public Open Space and Leisure: **£238,000**;
- e) Legible London pedestrian wayfinding and signage system (TfL): **£15,000**;
- f) TfL Cycle Hire Scheme (TfL): **£223,000**
- g) S106 monitoring fee (5% of the total financial contribution)

Non-Financial Contributions

- h) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
- i) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy, or a financial contribution of £31,000 for the delivery of this training to Skillsmatch;
- j) Code of Construction Practice - To mitigate against environmental impacts of construction;
- k) Car-free agreement;
- l) Green Travel Plan;
- m) Public access through the hotel and square; and
- n) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: Up to **£819,108 + 5% monitoring fee (up to £40,955)**

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

- 1) Permission valid for 3 years;
- 2) Submission of details and samples of all materials;
- 3) Submission of hard and soft landscaping;
- 4) Submission of sustainable drainage details;
- 5) Submission of full details of public piazza,
- 6) Biodiversity, green and brown roofs;
- 7) Construction Management and Logistics Plan;
- 8) Archaeology;
- 9) Contamination;

- 10) Access Management Plan;
- 11) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 12) Ventilation and extraction for A3;
- 13) Details of Roof top plant screens
- 14) Waste Management Plan including waste and recycling details;
- 15) Coach, Delivery and Service Management Plan;
- 16) 10% Accessible hotel rooms;
- 17) BREEAM 'excellent';
- 18) Hammer driven piling;
- 19) Noise levels and insulation;
- 20) Compliance with the submitted Energy Strategy;
- 21) Hours of servicing;
- 22) Hotel Use Only;
- 23) Occupation no longer than 90 consecutive days;
- 24) Hours of construction;
- 25) One disabled parking space;
- 26) 22 cycle parking spaces;
- 27) Approved plans; and
- 28) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.4 Informatives

- 1) Section 106 agreement required;
- 2) Section 278 & 72 Highways agreements required;
- 3) Olympic Route Network;
- 4) Extract system to be inline with DEFRA guidelines
- 5) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.5 That, after 20 days following GLA's Stage II response, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The application proposes the erection of a 7-storey U-shaped building fronting The Highway, with an additional lower ground floor level on Pennington Street. It comprise a 242-room hotel and 63 serviced apartments with associated ancillary hotel facilities including restaurant (A3) located at lower ground floor level and meeting rooms located on the ground floor level fronting The Highway. An ancillary retail unit (A1) is also proposed on the ground floor, with entrance off The Highway. Plant and storage facilities are contained at basement and lower ground floors and roof level.
- 4.2 The application also proposes a public 'piazza' and a pedestrian link through the site to and from The Highway and Pennington Street. The hotel is proposed to be serviced on-street from Pennington Street, with taxi pick up and drop off area for guests in front of the hotel, accessed off The Highway.
- 4.3 The proposal also includes works to Pennington Street, which proposes to raise the surface on Pennington Street to provide shared surface treatment, linking the proposal with Tobacco Dock to the South. These works will be secured through s278 Highway Works.

### Site and Surroundings

- 4.5 The site, which measures 0.4ha in area, is currently vacant and the site has been cleared for over 20 years. It is bounded by The Highway to the north, Wapping Lane to the east, Pennington Street to the south and Chigwell Hill to the west. The site level drops to the south and there is approximately 2m level difference between The Highway and Pennington Street.
- 4.6 The surrounding area is characterised by a mix of uses. Located opposite side of the application site, north of The Highway, is the Grade I Listed building, St Georges in-the-East Church which is within the St Georges in the East Conservation Area. Immediately to the south of the site, lies another Grade I Listed building, known as Tobacco Dock. Tobacco Dock had previously been converted to a retail shopping centre however it remains unoccupied since mid 1990s. The building has public access on the upper floors and has been known to be used as a filming location for various TV shows and has held exhibition events. To the east, at the corner with Wapping Lane and the Highway is a 5-storey block of residential flatted building with retail use on the ground floor. Further to the west along Pennington Street is the News International site which had a planning consent recently for a comprehensive refurbishment and remodelling of the existing buildings on the site.
- 4.7 The site has a Public Transport Access Level of 4 (Good) where 1 represents the lowest and 6 the highest. The site is located approximately 330 metres south west of Shadwell DLR and Overground Station, and Wapping Overground Station is approximately 560metres away to south. There are several bus routes within the vicinity.
- 4.8 In terms of the Development Plan context, the site is located within the City Fringe Opportunity Area. The site, together with Tobacco Dock, is also designated as a development site (reference 43) within the Interim Planning Guidance City Fringe Area Action Plan (2007), which cites Hotel, retail and leisure (C1, A2, A3, A4), Residential and public open space as the preferred uses.

### **Relevant Planning History**

- 4.9 The following planning decisions are relevant to the application:

T/96/26	Full planning consent was issued on 27 <sup>th</sup> March 1997 by the London Docklands Development Corporation for a redevelopment of the site for retail, multi-screen cinema, car park, leisure, storage and servicing and a tunnel beneath Pennington Street to Tobacco Dock.
PA/07/00384	An application for the retention of three illuminated advertisement panels was dismissed on appeal on 16 <sup>th</sup> October 2007.
PA/11/1583	An application by TfL for the installation on the footway of a Barclays Cycle Hire docking station, containing a maximum of 27 docking points and a terminal was approved on 12 <sup>th</sup> August 2011.

## **5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **Unitary Development Plan 1998 (as saved September 2007)**

5.2 Proposals:	City Fringe Site Area of Archaeological Importance or Potential
Policies:	DEV1 Design Requirements DEV2 Environmental Requirements DEV3 Mixed Use development DEV4 Planning Obligations DEV12 Provision of Landscaping in Development

DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Employing Local People
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Restaurants

### **Interim Planning Guidance for the purposes of Development Control**

5.3 Proposals: CF43 Hotel, retail and leisure (C1, A2, A3, A4); residential (C3);  
Public open space  
City Fringe Opportunity Area  
Archaeological Priority Area

Policies:

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment / Change of Use of Employment Sites
RT5	Evening and Night-time Economy
CON1	Listed Buildings
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments
CFR1	City Fringe spatial strategy
CFR2	Transport and movement
CFR5	Open space and flooding
CFR6	Infrastructure and services
CFR7	Infrastructure capacity
CFR8	Waste
CFR21	Employment uses in Wapping sub-area
CFR22	Residential uses in Wapping sub-area
CFR23	Retails and leisure uses in Wapping sub-area
CFR24	Design and built form in Wapping sub-area
CFR25	Local connectivity and public realm in Wapping sub-area
CFR26	Site allocations in Wapping sub-area

### **Supplementary Planning Guidance/Documents**

5.4 Designing Out Crime

**Local Development Framework Core Strategy (2010)**

5.5	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Priorities and Principles – Wapping
	SP13	Planning Obligations

**Spatial Development Strategy for Greater London (The London Plan 2011)**

5.6	<u>Policy</u>	<u>Title</u>
	2.9	Inner London
	2.13	Opportunity areas and intensification areas
	4.1	Developing London's economy
	4.3	Mixed use development and offices
	4.5	London's visitor attraction
	4.10	New and emerging economic sectors
	4.11	Encouraging a connected economy
	4.12	Improved opportunities for all
	5.1	Climate Change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in development proposals
	5.7	Renewable energy
	5.8	Innovative energy technologies
	5.13	Sustainable drainage
	5.18	Water use and supplies
	5.21	Contaminated land
	6.4	Enhancing London's transport connectivity
	6.7	Better streets and surface transport
	6.8	Coaches
	6.9	Cycling
	6.10	Walking
	6.11	Smoothing traffic flow and tackling congestion
	6.12	Road network capacity
	6.13	Parking
	7.2	An inclusive environment
	7.3	Designing out crime
	7.4	Local Character
	7.5	Public realm
	7.6	Architecture
	7.8	Heritage Assets and Archaeology
	8.2	Planning Obligations

- 5.7
- Accessible London: Achieving an Inclusive Environment (April 2004)
  - Sustainable Design and Construction (May 2006)

### **Government Planning Policy Guidance/Statements**

- 5.8
- |       |  |
|-------|--|
| PPS1  | Delivering Sustainable Development<br>Planning and Climate Change – Supplement to PPS1 |
| PPS4  | Planning for Sustainable Economic Growth   |
| PPS5  | Planning for the Historic Environment  |
| PPS9  | Biodiversity & Conservation  |
| PPG13 | Transport  |
| PPG24 | Planning and Noise   |
| PPS22 | Renewable Energy   |

**Community Plan** The following Community Plan objectives relate to the application:

- 5.10
- A better place for living safely
  - A better place for creating and sharing prosperity
  - A better place for excellent public services

## **6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### **LBTH Accessibility Officer**

6.3 No principle objection, subject to a condition requiring 10% of hotel rooms to be wheelchair accessible. Further Access Management Plan to be submitted which addresses accessibility throughout the site.

(OFFICER COMMENT: Conditions have been attached to this effect.)

### **LBTH Communities, Localities and Culture**

6.4 No objections. In light of the emerging Planning Obligations SPD which was approved for consultation purposes by Cabinet on 6 July, this draft sets out a formula and threshold for contribution requirements towards Public Open Space and Leisure based on the size of the hotel and likely employment figures. Accordingly, based on 200 employees and hotel guest density, a contribution of £238,000 is sought.

(OFFICER COMMENT: This contribution request has been agreed by the applicant, as detailed within the s106 Heads of Terms at paragraph 3.1)

### **LBTH Crime Prevention Officer**

6.5 The access walkway should be gated during the night time to ensure that the area is not misused.

(OFFICER COMMENT: This matter is discussed further within the design section of the material planning considerations, below)

### **LBTH Enterprise & Employment**

6.6 To ensure that local businesses benefit from this development we expect that 20% of



goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

The Council seeks contribution towards training and development of unemployed residents in Tower Hamlets to access to jobs within construction and end-use phases.

Applying the formula within the emerging SPD the following financial contribution should be sought.

- Jobs within the hotel developmental end-use phase (£42,060); and
- Jobs during the construction phase of the development (£35,048);

Non-financial contribution towards promoting employment of local people during and post construction, including an employment and training strategy, or a financial contribution of £31,000 for the delivery of this training to Skillsmatch.

(OFFICER COMMENT: The applicant has agreed to the above contribution and obligations, as detailed within the s106 Heads of Terms in paragraph 3.1. The method of calculating the financial contribution is detailed within section 8 of this report)

## **LBTH Environmental Health**

### 6.7 Environmental Health (Air Quality)

No comments received

#### Environmental Health (Contaminated Land)

No objections subject to the attachment of an appropriate condition requiring any contaminated land to be properly treated and made safe before development commences

#### Environmental Health (Food Safety)

No objections subject to the attachment of an appropriate informative regarding food safety

#### Environmental Health (Noise & Vibration)

The Planning Noise Assessment contains a planning noise assessment in line with PPG24. Whilst the noise categories fall within NEC 'C' and NEC 'D', all habitable rooms in the apartment and hotel are to have air conditioning therefore the acoustic requirement for alternative means of ventilation will be satisfied. There is no objection.

#### Environmental Health (Smell/Pollution)

Details of kitchen extract system is required to be inline with DEFRA guidelines so as to ensure that there is no likely odour nuisance that will impact on local residents. Details are required.

(OFFICER COMMENT: The requested conditions and informatives have been attached to the draft decision notice, as detailed above at paragraph 3.3)

## **LBTH Highways**

### 6.8 Parking

The development is proposed to be entirely car free and given the location this is considered to be acceptable.

The site has a PTAL rating of 4 which demonstrates that a reasonable level of public transport service is available within the immediate vicinity of the site.

The proposal initially included two disabled parking spaces on Pennington Street. The location of these spaces on-street is not supported and cannot be dedicated for the hotel use. The proposal now omits these spaces and it is now proposed for one space to be located at the front of the hotel access off the drop-off area, and within the site's boundary. This is considered to be acceptable.

Coach Parking:

It is considered acceptable for coach parking to be accommodated at the nearby Tower Hill coach park and/or car parking station on Wapping Lane. The drop off/pick up activities will occur on Pennington Street and the proposed lay-by is acceptable. It is proposed that a time restriction to be implemented for a maximum stay to be for no more than 20mins.

Cycle:

The Council's Parking Standards require a minimum of 1 space per 10 staff. The proposal includes a total of 20 cycle parking spaces. This is considered to be acceptable. Appropriate shower and changing facilities will be provided for staff on the lower ground floor of the hotel.

Servicing arrangements:

The proposal includes on-street arrangement on Pennington Street. The proposal includes a lay-by which is 3m wide and is considered to be acceptable. The works will be carried out as part of s278 Agreement. A time restriction for loading/servicing will be restricted to maximum of 20mins. Accordingly no objections are raised, subject to a condition being attached which prevents servicing from taking place between 0700-1000 hours and 1600-1900 hours inclusive.

The Delivery/Servicing and Coach Management Plan should be secured to ensure that servicing activities do not occur during peak hours.

Refuse:

Details of refuse collection activities shall also be managed as part of Delivery and Servicing Management Plan.

Shared surfacing on Pennington Street

There is no objection to the proposed raised shared surface along Pennington Street. This would be secured at the applicant's expense via a s278 agreement, along with the works to proposed lay-by.

Conditions

Should planning permission be granted, conditions would be required to secure the following:

1. Submission of details of necessary highways works
2. Hours of servicing
3. Servicing and Coach Management Plan to be submitted and approved.
4. Construction Management Plan to be submitted and approved
5. Travel Plan to be secured through s106.

(OFFICER COMMENT: The requested contributions and conditions have been secured within the s106 and attached to the decision notice respectively, as detailed within section 3 of this report. Highways and transportation matters are discussed in greater detail within section 8 of this report)

**LBTH Sustainable Development**

6.9 Energy

No objections – The proposal will achieve 29.2% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies.

### Sustainability

No objections - the applicant has submitted a Sustainability Statement which commits the development to achieve a BREEAM (Building Research Establishment Environmental Assessment Method for buildings) rating of 'Excellent' as minimum. Conditions should be attached to secure this.

(OFFICER COMMENT: Conditions have been attached as requested. Energy and sustainability measures are discussed in further detail within section 8 of this report)

### **LBTH Waste Policy & Development**

- 6.10 No objections in principle – However further details of the refuse storage facility shall be provided. A refuse management plan shall be submitted and approved which details on the number of refuse and recycling bins and their capacity and collection details.

(OFFICER COMMENT: Condition has been attached)

### **English Heritage (statutory consultee)**

#### 6.11 Archaeology

A condition is requested requiring the submission and implementation of a programme of archaeological work (OFFICER COMMENT: A condition has been attached to this effect)

#### Historic Buildings and Areas

The site is located between Grade 1 listed buildings; the Church of St Georges in the East to the north of the site and Tobacco Dock to the south. Development on the site would impact on the setting of both listed buildings. It is essential that this impact is fully assessed in light of all relevant policies including those contained within PPS5.

There is a concern that the proposed development does not contain any detail with regards to the architectural treatment of the proposed rooftop plant enclosure. Full assurance should be obtained that, whatever design outcome, no element of the rooftop plan would be visible from key views.

Accordingly, English Heritage recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of your [LBTH] specialist conservation advice.

(OFFICER COMMENT: The applicant has reduced the rooftop plant by way of relocating it away from the roof edge. As such, it is now not visible from a number of key views. Heritage and conservation aspects of the scheme are discussed within section 8 of this report, below).

### **London Fire and Emergency Planning Authority (LFEPA) (statutory consultee)**

- 6.12 No objections.

### **Greater London Authority – Stage 1 response.**

- 6.13
- The principle of a hotel and apart-hotel development at the site within the boundary of the City Fringe Opportunity Area is supported in line with London Plan Policy 4.5. Retail use is supported in line with London Plan policy 4.8.
  - There are number of outstanding concerns relating to the scale and bulk of the massing and impact on the heritage setting of the development that need to be addressed to ensure compliance with London Plan policies 7.1, 7.6, 7.8 and 4.5.
  - There are several matters which require resolution to ensure the highest standards of accessibility and inclusion are met, in line with London Plan Policy 7.2 and parking

policy 6.13.

- Several matters require further resolution to ensure compliance with London Plan Policies 5.2, 5.5, 5.6, 5.7, 5.10 and 5.13.
- Further works is required by the applicant in order to comply with London Plan Policies 6.9, 6.11, 6.10, 6.13 and 6.14.

(OFFICER COMMENT: The applicant has addressed the abovementioned issues as discussed in detail within section 8 of the report).

## 7. LOCAL REPRESENTATION

7.1 A total of 572 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 4            Objecting: 0            Supporting: 2            Neither: 2  
No of petitions received:    None received

7.2 The following local groups/societies made representations:

### **London and Middlesex Archaeology Society**

The Committee actioned on behalf of the Council for British Archaeology in respect of Listed Buildings in Application within the Greater London Area objected to the scheme on the grounds that it does little to either preserve or enhance the character or appearance of the Conservation Area. It would be detrimental to the street scene and to the setting of the Listed Buildings. The site is very importance, backing on to Tobacco Dock and facing directly across to Hawksmoor's great church, St George's in the East. An imaginative proposal is called for and the application proposal fails to meet the challenge. At seven storeys plus rooftop plant rooms, it also fails to fit in with the scale of development along The Highway.

(OFFICER COMMENT: Design and heritage issues are discussed in detail at section 8 of this report)

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

#### In Support

- Welcomes the proposal to redevelop the long vacant site and considers the proposed use is appropriate for the area which will add to the vitality of this part of Wapping.
- The proposal will bring much needed investment and life to the area to the currently and area which London forgot.

#### General Comment

- Whilst supporting the application, there should be a width restriction placed on the residential end of Pennington Street to prevent construction traffic using this part of the road passed Breezer's Court and Telford Yard.
- Many visitors arriving to Shadwell DLR/Overground would access the site via St George's Gardens, in which need restoration and improvements. Contributions should be sought for the provision of disabled access through the Church and its grounds, which would be of immense benefit to the local community.
- Financial contributions should be sought to improve and enhance the immediate surrounding area.

(OFFICER COMMENT: Appropriate financial contributions are sought as detailed above in section 3 of the report, and Construction and Logistic Management Plan for construction

traffic management will be secured through a condition, however this is discussed in detail in section 8 of the report).

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Design
3. Heritage and Conservation
4. Transportation and Highways
5. Amenity
6. Energy Efficiency and Sustainability
7. S106 Agreement

### **Land Use**

- 8.2 The application proposes the erection of a 242-room hotel (Use Class C1); 63 serviced apartments (sui-generis) with associated ancillary hotel facilities including restaurant and bar (Use Class A3 and A4, respectively) located on the lower ground floor and ancillary retail use (Use Class A1). The 63 serviced apartments are made up of 3 x 2-bed duplex units, 38 x 1-bed units and 22 x studio units.
- 8.3 The site is located within the City Fringe Activity Area, where mixed use developments are encouraged to provide vitality and diversity in the City Fringe and support the functions of Central London.
- 8.4 The London Plan (2011) identifies tourism as an important part in the city's economy. To support London's visitor economy, policy 4.5 of the London Plan specifies a target of 40,000 net additional hotel bedrooms by 2031, of which at least 10 percent should be wheelchair accessible. Whilst the policy identifies the Central Activities Zone (CAZ) as a priority location for new hotel accommodations, it also recognises town centres, opportunity and intensification areas, and CAZ fringe locations where there is good public transport access to central London, to be suitable locations. Therefore it is considered that the area is an appropriate location for hotel and apart-hotels given its proximity to transport nodes, and as the proposed use will inject much needed vitality to the area and complement the future use of adjacent Tobacco Dock.
- 8.5 The applicant also submitted a Hotel Demand Study to support the application. The study finds that there is a continued demand for hotel rooms and apart-hotels in both the City and Canary Wharf. Given the site's location between the City and Canary Wharf and the ease of access to these areas from the site and also to the visitor attractions within the Tower Hill area, the study concludes that the application site is a suitable location for a hotel development.
- 8.6 Policy SP06 of the Core Strategy (2010) states that hotel developments should be concentrated in the Central Activities Zone and City Fringe Activity Area. Given the site's location in the CFAA, the proposed land use is therefore considered to be in accordance with the Core Strategy.
- 8.7 It is recognised that the IPG City Fringe Area Action Plan (2007) specifically identifies the application site together with adjacent Tobacco Dock site, collectively for hotel, retail and leisure (C1, A1, A2, A3, A4); residential (C3) and public open space.
- 8.8 In light of the above, it is considered that the proposed hotel, retail and restaurant land uses together with the proposed public plaza are in accordance with the abovementioned

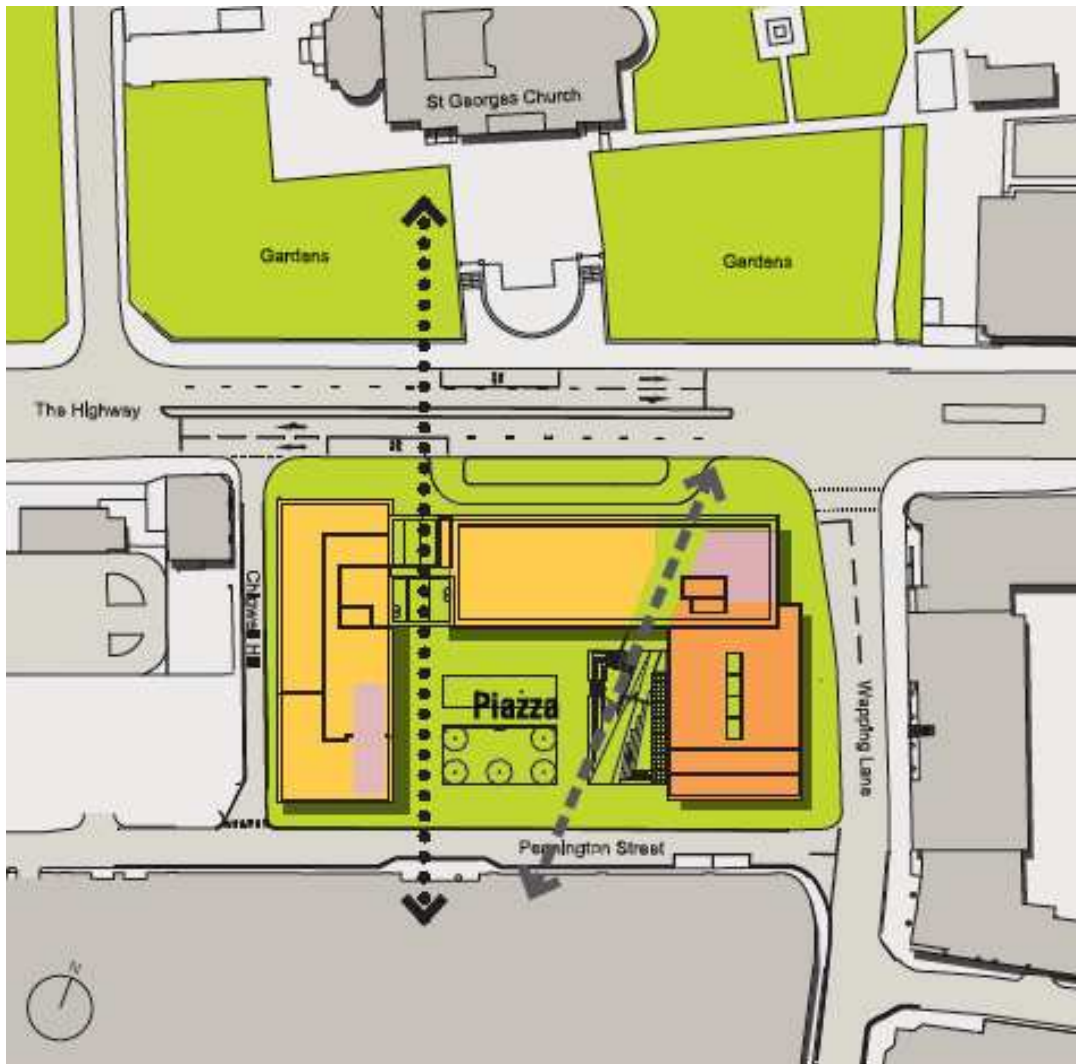
development plan policies.

## **Design**

- 8.9 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.10 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.11 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. This policy also seeks to preserve or enhance the wider built heritage and historic environment of the borough.
- 8.12 Lastly, policy CFR24 of the IPG City Fringe Area Action Plan (2007), requires new development within Wapping sub-area to improve the footpaths and street environments, quality of the streetscape/pedestrian environment enhancements, create development with active street frontages and strong built form along street frontages. The policy also seeks to secure a comprehensive approach to development of News International site and Tobacco Dock to promote attractive east-west pedestrian connections from St Katherine Docks to Tobacco Dock. Policy CFR25 sets out the objectives to improve local connectivity in Wapping sub-area.

## Analysis

- 8.13 As detailed earlier in this report, the proposed building constitutes a 7 storey building with an additional lower ground floor on Pennington Street comprising a 242-room hotel together with 63 serviced apartments. Ancillary restaurant/bar, retail floorspace and meeting/conference room facilities are also proposed. The hotel bar/restaurant opens onto a new landscaped publicly accessible piazza and this space is accessible from Pennington Street and through a public accessible pedestrian arcade link which passes beneath the proposed hotel providing north-south pedestrian route from The Highway.



**Image 1: Site layout with pedestrian thoroughfare (dashed line) and visual link (dotted line) between St Georges Church and Tobacco Dock indicated**

- 8.14 The design of the hotel and the apart-hotel is in response to the sensitive context of the locality and rationalisation of some traditional design elements such as brick details and repetition of vertical rhythm and emphasis through large openings. The proposal visually separates the hotel and the apart-hotel uses through use of different materials. The main hotel building, as the predominant façade of the proposal, uses traditional brick to draw from the industrial warehouse characteristics of the surrounding area. The application is accompanied by a brick sample panel which is ‘Smead Dean Weathered Yellow’, and this is considered to be a good quality material for the main facades. Terracotta cladding is also proposed for the apart-hotel element of the scheme, which forms the predominant façade to Wapping Lane. The use of two different materials and its juxtaposition of horizontality of the terracotta and vertical rhythm of the brick subtly reduce the overall visual bulk of the scheme and introduce visual interest to the scheme. The submitted sample and its colour ‘Tobacco-Textured’ by manufacturer Sannini is considered to complement the main brick material. It is considered to be important for these materials to be secured in the context of the sensitive setting.
- 8.15 The scale, mass and height of the building are considered to be appropriate to the surrounding context. The heights of the proposed building vary to address the changing scale of the nearby buildings and the change in the topography of the site. On The Highway elevation, the height of the building on the eastern side, adjacent to the now vacant The Old Rose Pub, is 5 storeys with the 6<sup>th</sup> storey set in from the edges of the building. The central element of the building is 7 storeys in height with the brick façade articulated through glazed elements to the western side of the building. The height and the elevation treatment are

considered to be well balanced in the context of the existing built environment. To the Wapping Lane elevation, the height of the apart-hotel wing of the building is a storey lower than the main elevation to The Highway. However due to the fall in gradient of the site, the storey height remains as 7 storeys. The height reduces down to 5 storeys along Pennington Street and opposite Tobacco Dock. The proposed public piazza within the U-shaped building is considered to create a responsive site layout which provides a spacious transition between the proposed development and the Grade 1 listed Tobacco Dock immediately to the south. The piazza would provide publicly accessible space which can be accessed via a new arcade pedestrian link through the site which would create a pedestrian thoroughfare from St Georges in-the-East Gardens (and the transport hub at Shadwell DLR beyond) to the entrances of Tobacco Dock.

- 8.16 Some of the responses from statutory consultees and the Council's Design and Conservation Officer initially raised concerns with regard to the rooftop plant which was above the 7 storey building and highly visible. The applicant has addressed the concerns raised and now proposes a reduced sized plant screen which is further inset from the building edge and would not be highly visible from street level and from a number of key views. The Council's Design and Conservation Officer is now satisfied with the revised proposal and considers that this would have minimal impact to the setting of the Listed Buildings.



**Image 2: View from Pennington Street (Public Piazza)**





**Image 3: The proposal viewed from The Highway looking east**

- 8.17 In terms of the proposal and its contribution towards the public realm, it is considered that the location of the hotel entrance; introduction of the public arcade link and retail shop frontage along The Highway activates and enlivens the street frontage. The proposal also enhances the permeability through the site through the proposed glazed atrium at full height of the hotel and an opening at the ground floor level to provide a pedestrian arcade link. The glazed atrium also creates an interesting visual link as it has been positioned in order for St Georges Church to be visible from the entrance of Tobacco Dock. The proposal therefore improves pedestrian environment, as required by Policy CFR 25 which seeks to improve local connectivity and pedestrian environment.
- 8.18 With regard to Core Strategy policy SP10, which requires development to be of the highest quality and creatively respond to the historic character of the area, it is considered that the proposal successfully achieves this. It is not seeking to repeat or mimic the historic context, but rather to produce a building which responds well with the historic context through use of appropriate materials and fenestration details without being overly fussy, architecturally. It is thus fittingly civic and at an appropriate scale to its neighbours. The glazed elements and the introduction of terracotta cladding systems are interesting and appropriate response to the need for a multi-fenestrated facade driven by the proposed use.
- 8.19 With regard to secure by design aspects of the proposal, with adequate lighting and security measures within the public areas, it is not considered that the proposal would create an unsafe public environment. The request for the need of a gate to restrict access through the pedestrian arcade link during late hours is not considered appropriate in this instance as the hotel use and security operation would be 24 hours with appropriate site management in place. An installation of a gate would only restrict and discourage the use of the publicly accessible areas.
- 8.20 In light of the above, it is considered that the design of the proposal satisfies the abovementioned policies.

### **Heritage and Conservation**

- 8.21 PPS5 (Planning and the Historic Environment) requires local planning authorities who

consider proposals which affect a heritage asset, such as Listed Buildings or a conservation area, to have special regard to the preservation and enhancement of the setting of the asset. In particular, policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

- 8.22 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.8 and 7.9 seek to preserve, record, refurbish and enhance heritage assets wherever appropriate and reinforce the qualities that make the heritage asset significant, including buildings, landscape features and views.
- 8.23 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods.
- 8.24 Policies CON1 – CON5 of the IPG (2007) seek to protect heritage assets such as Listed Buildings and conservation areas.

### Analysis

- 8.25 As detailed above within the Design section of this report, the design of the proposal is the result of extensive discussion between the applicant and officers. It is considered that the proposal successfully respects the general form and expression of buildings and does not appear as unduly dominant or incongruous within the street scene or when viewed against neighbouring buildings.
- 8.26 English Heritage, within their consultation response dated 5<sup>th</sup> September 2011, state the following:

*"We are concerned that the submitted elevations of the proposed development do not contain any detail with regard to the architectural treatment of the proposed rooftop plant enclosure. Key views containing the church and the proposed development would 'connect' at the roofline of the proposed development. It is therefore essential that the treatment of the roofline is fully resolved at this stage, to ensure that a visually clean edge is achieved between the development and the precisely cut Portland stone of the walls, turrets and tower of the church. Full assurance should be contained what, what ever the design outcome; no element of rooftop plant would be visible in key views."*

- 8.27 As discussed earlier in the report, the applicant has responded to the concerns raised by EH in relation to the rooftop plant enclosure. Initially, the rooftop plant enclosure was approximately a metre set in from the buildings edge which created additional bulk and would have been highly visible from long views and the street scene. The revised rooftop plant is now set in 4 metres from the building edge, located centrally on the rooftop and therefore it will not be seen from the immediate surrounding and particular key views from the St George in-the-East Church and its Gardens would be minimal. Further details on its material and finish of the roof top plant will be in light weight material and is recommended that it be secured as a condition. Therefore, a visually clean edge between the development the Portland stone walls, turrets and towers of the Church can be achieved.
- 8.28 The proposal includes highway works to Pennington Street by a way of creating a raised shared surface between the site and Tobacco Dock. English Heritage and the Council's Conservation and Design officer considered that the raised shared surface would be acceptable to the setting of Grade 1 Listed building subject to the street surface treatment to remain as cobble set stones with clear definition of lines of original kerb footway edges and site boundaries to be retained through Highway design. Given that the works will be carried out by the Council as the Highway Authority through s278 works, the proposal is acceptable.

8.29 In summary, it is not considered that the proposed building would harm the setting of the adjacent and nearby listed buildings or the St Georges in the East Conservation Area. The proposed building design and scale are considered to protect and enhance the setting of the aforementioned heritage assets; and the area as a whole. The robust and clean outline of the proposed building, together with its simple façade detailing is considered to be an appropriate response to the setting of the aforementioned heritage assets.



**Image 4: View of the proposed building from St Georges in-the-East Gardens**

8.30 In light of the above, it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the aforementioned heritage assets within close proximity of the site. The proposal is therefore in accordance with PPS5 and the abovementioned development plan policies.

### **Inclusive Design**

8.31 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and DEV3 of the IPG seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.

8.32 The proposed 242 room hotel would provide 11 fully accessible bedrooms with the 12 suites capable of adaptation. This would comply with requirements of the London Plan policy 4.5, with 10% of the bedrooms to be wheelchair accessible. The proposed apart-hotel would provide 6 fully accessible apartments which represents 10% of the apartments.

8.33 The proposal also includes a pedestrian arcade link, as mentioned earlier. The pedestrian arcade link has been designed and extends to allow public access through the site via stairs and a ramp down to the public piazza level. Initially, officers raised a concern in relation to the proposed gradient of the access ramp as it does not meet the minimum DDA and Building regulations requirements. However, the Regulations stipulate that where the rise exceeds 2 metres, in the case of the application site, the extreme length of a DDA complaint ramp is a deterrent to users and the situation is best deal with by other means such as use of a lift. The proposal includes lift access through the hotel and a scope for Access Management Strategy has been submitted as a result of discussions with the applicant. The

scope outlines that clear legible wayfinding and directional signage will be provided to ensure that alternative access route is available to all. It also outlines standards and specific design features which will be detailed in an Access Management Plan to be secured through a planning condition. The Council's Access Officer is satisfied with the proposal.

- 8.34 Accordingly, the proposal is considered to be truly accessible in accordance with the aims and objectives of the aforementioned development plan policies.

### **Transportation & Highways**

- 8.35 PPG13 and the London Plan (2011) seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.36 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network.
- 8.37 As detailed within section 4 of this report, the site has a good level of accessibility to public transport, with a Public Transport Access Level of 4 where 1 represents the lowest and 6b the highest. As detailed above, the site is located approximately 330 metres south west of Shadwell DLR and Overground Station, and Wapping Overground Station is approximately 560metres away to south. There are several bus routes within the vicinity.

### Car Parking

- 8.38 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.39 The proposed development provides a vehicle/taxi drop off and pick up area in front of the Hotel, which is accessed off The Highway. The ingress and egress of the drive-in and out area has been agreed with TfL, as the Highway Authority of The Highway. The pick up and drop off area is proposed to be a shared surface where necessary works will be undertaken via s278 Agreement with TfL. The proposal would provide sufficient pedestrian footpath within the application site in addition to the shared surface.
- 8.40 The proposal includes one disabled space in front of the hotel, nearer to the hotel's main entrance. The space is accessed off the proposed drop off area located off The Highway. The disabled parking space is acceptable and located appropriately.

### Coach Parking

- 8.41 Planning Standard 3 of the Interim Planning Guidance (2007) requires a coach parking bay to be provided for every 100 hotel bedrooms. IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport assessment.
- 8.42 The application does not propose any provision for on-site coach parking, however, a coach drop off and pick up area will take place through a proposed lay-by on Pennington Street. The applicant states that if short term parking is required for coaches, it would be undertaken at the nearby Tower Hill Coach Park, located approximately 1.5km away in Lower Thames

Street and contains 16 coach parking bays.

- 8.43 LBTH Highways raise no objections to the proposed lay-by on Pennington Street. Through the request of officers, the applicant has demonstrated that a coach could be accommodated accessing Pennington Street. LBTH Highways have also suggested that a time restriction will be imposed for a maximum stay of 20 minutes for the use of lay-by on Pennington Street by coaches or service vehicles. As detailed below in the analysis of the servicing and delivery aspects of the proposal, a condition has also been attached which requires the submission of a Delivery, Servicing and Coach Management Plan, as well as a condition which only allows servicing during the off-peak periods identified within the submitted pedestrian and vehicle movement periods. Officers consider that such measures would significantly reduce the likelihood of coaches arriving at the hotel and therefore any conflict between coaches and servicing vehicles.
- 8.44 In conclusion, given the site's city fringe location, its good PTAL rating, within close proximity of DLR and overground stations, the provision of dedicated drop-off/pick-up areas, it is considered that the likelihood of coaches arriving at the hotel is minimised and therefore would not unduly detriment pedestrian movement nor the safe operation of the highway. The proposal is therefore considered to accord with the aforementioned development plan policies.

#### Servicing and Deliveries

- 8.45 It is proposed for servicing and deliveries to take place on-street, from the proposed lay-by on Pennington Street. LBTH Highways have raised no objection to the on-street servicing however indicated that a time restriction will be put in place to a maximum dwell time of 20 minutes.
- 8.46 Within the submitted Transport Assessment, a survey and a comparison with a comparable hotel within inner London, the proposed development could expect up to 7 medium sized goods vehicle over a 12 hour period. Notwithstanding this, it would be possible to secure the lesser vehicle trips by way of requiring the submission and agreement of a Delivery & Service Management Plan by condition. The Plan will also ensure that delivery times are managed so that only one delivery occurs at any one time. A separate condition is also proposed which prevents servicing from taking place between 0700-1000 hours and 1600-1900 hours inclusive.

#### Refuse

- 8.47 The application details that the proposal incorporates waste storage at lower ground floor level which would be collected at kerbside on Pennington Street. The Transport Assessment indicates that it is anticipated that refuse collection will take place once weekly.
- 8.48 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

#### Raised shared surface on Pennington Street

- 8.49 The proposal includes the raising of the cobble street surface to create a shared surface for the length of the site along Pennington Street. LBTH Highways have no objection to the raised surface from Highway safety point of view and therefore the works would be secured at the applicant's expense via a s278 agreement.

#### Cycle Parking

- 8.50 The Interim Planning Guidance (2007) requires 1 cycle parking space per 10 staff. The proposal anticipates 200 employees within the Hotel and apart-hotel and therefore the

required provision would be 20 cycle parking spaces.

- 8.51 A total of 11 Sheffield-style cycle stands are proposed to be provided, 5 stands in front of the hotel and 6 stands to the rear of the hotel. The total of 22 cycle parking spaces can be provided with each stand capable of securing two bicycles. This therefore exceeds the minimum cycle parking requirements as defined within the Interim Planning Guidance (2007) and is therefore acceptable.
- 8.52 As mentioned in paragraph 4.9, the Council recently approved an application by TfL for the installation of Barclays Cycle Hire docking station on footpath adjacent to the application site. This proposal would conflict with the proposed access off The Highway for the drop-off and pick-up area for the hotel. The applicant has been in close dialogue with TfL to seek alternative arrangements. It has been agreed that TfL will support the relocation of the Docking Station subject to financial contribution and compensation towards the relocation. The applicant has agreed to a financial contribution towards the Cycle hire scheme which is detailed later in this section of the report.

## **Amenity**

### Daylight and Sunlight

- 8.53 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).
- 8.54 Policy 7.6 of the London Plan (2011) requires that all large-scale buildings to pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight.
- 8.55 The application is accompanied by a Daylight and Sunlight Assessment and it analysed the effect of the proposed development on the daylight and sunlight amenity to the following properties.
- 4 Wapping Lane (a block of residential flats); and
  - The Old Rose Pub

The assessment concludes that the proposal does not fully comply with the BRE Guidelines in daylight terms however, this is inevitable as the site has been cleared for over 20 years. The report indicates that from the total 117 windows tested 61 windows will comply with the BRE guidelines. This represents 52% of the windows will comply with the BRE guidelines for Vertical Sky Component (VSC) analysis. It should be noted however, that the VSC should be considered into context with the No Sky line analysis and it concludes that 54% of the windows within Wapping Lane will comply with BRE Guidelines and The Old Rose Pub windows will not be affected. With regards to Average Daylight Factor (ADF), which can be a more accurate measurement of average daylight in a room when the dimensions of a room is known, the results show that currently 4 rooms within Wapping Lane flats do not meet the minimum criteria. Therefore with the proposal, additional 4 rooms will not satisfy the recommended values of ADF. It should be noted that the 7 of the 8 rooms have protruding balconies above and/or recessed entries and therefore natural light is restricted by its own building design features. Overall, whilst the proposal does not fully comply with BRE Guidelines in daylight terms, given the urban context and the site being cleared for over 20 years the proposal is considered to be acceptable.

- 8.56 In relation to availability of sunlight, overall development proposals considered to have no impact on sunlight to neighbouring habitable rooms and will fully comply with BRE guidelines in sunlight terms. In assessing the over shadowing impact to amenity areas, the proposed design, layout and orientation of the hotel and apart-hotel will not cast any permanent shadow to the St George in-the-East Church Grounds and the proposed public piazza within the development.
- 8.57 Whilst the proposal is not fully complying with the BRE guidance in terms of daylight, the proposal does not have any impact on sunlight on neighbouring windows and overshadowing to open amenity areas. Therefore, on balance, whilst there are failures to availability of daylight and in the context of its urban location and the site being cleared for over 20 years, it is considered that this would not warrant refusal on its own. The proposal is therefore considered to be in line with Policy 7.6 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 of the Core Strategy (2010) with regards to sunlight and daylight.

### Noise and Vibration

- 8.58 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 8.59 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.
- 8.60 The applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regs. It is also considered appropriate to condition the restriction of hours for the use of the piazza area in association with the restaurant use of the hotel. Finally, conditions are also recommended to ensure any plant and machinery incorporates sufficient noise attenuation measures.
- 8.61 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management and Logistic Plan which will further assist in ensuring noise reductions. The Construction Management and Logistic Plan will also be required to address construction traffic which should avoid residential streets and minimising impact to the Olympic Route Network within the borough. The arrangement will be carefully considered, in conjunction with TfL.
- 8.62 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

### Privacy

- 8.63 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy. The only direct overlooking habitable room to habitable room relationship would be between apart-hotel and the residential flatted building on the opposite side of Wapping Lane. Whilst the separation distance would be approximately 15m, these windows are separated by a road which is expected in an urban environment. It is considered that the development does not result in any undue loss of privacy to residents, or commercial occupiers.

## **Energy Efficiency and Sustainability**

- 8.64 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.65 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.66 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.67 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.68 The submitted energy strategy follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.69 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 1% carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 29.2% reduction in carbon emissions above the Building Regulation requirements.
- 8.70 The anticipated 29.2% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Strategy Report dated April 2011 Revision G.
- 8.72 In terms of sustainability, London Borough of Tower Hamlets requires all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance.
- 8.73 The applicant has submitted a Sustainability Statement (April 2011) that sets out the commitment to achieving an Excellent rating under the BREEAM 2008 methodology. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

## **Section 106 Agreement**



- 8.74 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
  - (ii) Necessary to make the proposed development acceptable in planning terms;
  - (iii) Directly related to the proposed development;
  - (iv) Fairly and reasonably related in scale and kind to the proposed development;  
and
  - (v) Reasonable in all other respects.
- 8.75 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.76 Policies 8.1, 8.2, 8.3 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 8.77 The Council has recently published a draft Supplementary Planning Document on Planning Obligations in August 2011. This document which is currently out to public consultation; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. In light of this, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed.
- 8.78 As detailed above within section 3.1 of this report, LBTH Officers have identified the following contributions to mitigate against the impacts and it is recommended that a S106 legal agreement secure the following Heads of Terms:

#### Financial Contributions

1. Employment & Enterprise: Between £77,108 and **£108,108** towards the training and development of unemployed residents in Tower Hamlets to access:
  - o Jobs within the hotel developmental end-use phase; or
  - o Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development
2. Highways, Street scene and Public Realm Improvement: **£154,000** towards improvements to public realm within the vicinity (Wapping Lane and/or Chigwell Hill);
3. Public Open Space and Leisure: **£238,000** towards improving and increasing provision of Public Open Spaces.
4. Heritage Improvements: **£100,000** towards disabled access improvements to the Grade I listed building (St Georges in the East):
5. Legible London (TfL): **£15,000** towards erection of a lith outside the Hotel, and general improvements wayfinding and walking routes within the vicinity of the site.
6. TfL Cycle Hire Scheme: **£223,000** towards the relocation of cycle hire scheme within the vicinity of the site.
7. Monitoring fee: 5% of the total financial contribution

## Non-Financial Contributions

8. Car-free Agreement;
9. Code of Construction Practice - To mitigate against environmental impacts of construction;
10. Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
11. Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy or a financial contribution of £31,000 for the delivery of this training by Skillsmatch;;
12. Green Travel Plan; and
13. Public access through the hotel and square

## Streetscene and Public Realm

### 8.79 *Public Realm*

The Council seek £135,000 towards Streetscene and public realm improvements. The proposed development would represent a significant intensification of the use of the site and a significant uplift in existing commercial floorspace. The historical sensitivity is considered to be high and new development in this locality is required to mitigate and compensate its impact on wider environment to protect and enhance these national and local heritage assets. For these reasons upgrade to streets, public realm and highways is secured to be in high specification. £135,000 will go towards upgrading works along Wapping Lane and/or Chigwell Hill. Works along Pennington Street is proposed as part of the application and therefore, the works will be carried out under s278 Highways Agreement, at the applicant's expense.

### 8.80 *Heritage Improvements*

The Council will seek £100,000 towards disabled access improvements to the Grade I Listed Building, St George in-the-East Church and/or its grounds. The proposed development is likely to impact upon the local and national heritage asset, in particular the intensified use of the grounds and the building itself. Therefore, the contribution to improve and upgrade accessibility to the St Georges in-the-East Grade I listed building and/or its grounds is entirely appropriate. The English Heritage, council's conservation officer and a representative of St Georges in-the-East consider this to be appropriate and necessary.

### 8.81 *Legible London Wayfinding Scheme*

Transport for London have requested a contribution of £15,000 to a lith and wayfinding via the London wide 'Legible London' scheme as means of signposting for navigation on foot.

## Employment and Enterprise

### 8.82 *Proposed employment/enterprise contributions at construction phase:*

The Council seek a contribution of £35,048 towards support and/or provide for trainings and skills needed for local residents in accessing new job opportunities in the construction phase of the development.

### 8.83 *Proposed employment/enterprise contributions at end-use phase:*

The council seeks a £42,060 monetary contribution towards the training and development of unemployed residents in Tower Hamlets to access either:

- jobs within the hotel development end-use phase
- jobs or training within employment sectors in the final development

In addition the council requests that, 20% of the final workforce, will be those residing in Tower Hamlets and will be given the following sector related training:

The Employment First Training Programme, which is delivered by SEETEC. This course has been accepted by large LOCOG contractors such as Sodexo and Aramark as a qualified standard for new industry entrants in the HLTT sector.

Modules include:

- Team Working
- Customer Service
- Food and Safety Level 2
- Health and Safety Level 2
- Dealing with difficult situations
- Time Management
- Communication and influencing

If the developer is unable to provide or deliver the training, we will request a monetary contribution of £31,000 for the delivery of this training to local residents. For this reason the total contribution towards Employment and Enterprise is between £77,108 and £108,108.

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

#### 8.84 Public Open Space

A contribution of £238,000 is sought to increase and improve the provision of public realm open space. An increase in population caused by new development (including commercial development) will result in additional pressure being placed upon existing areas of open space and will required to contribute to open space to ensure the impact of the population increase on the existing areas space is properly mitigated.

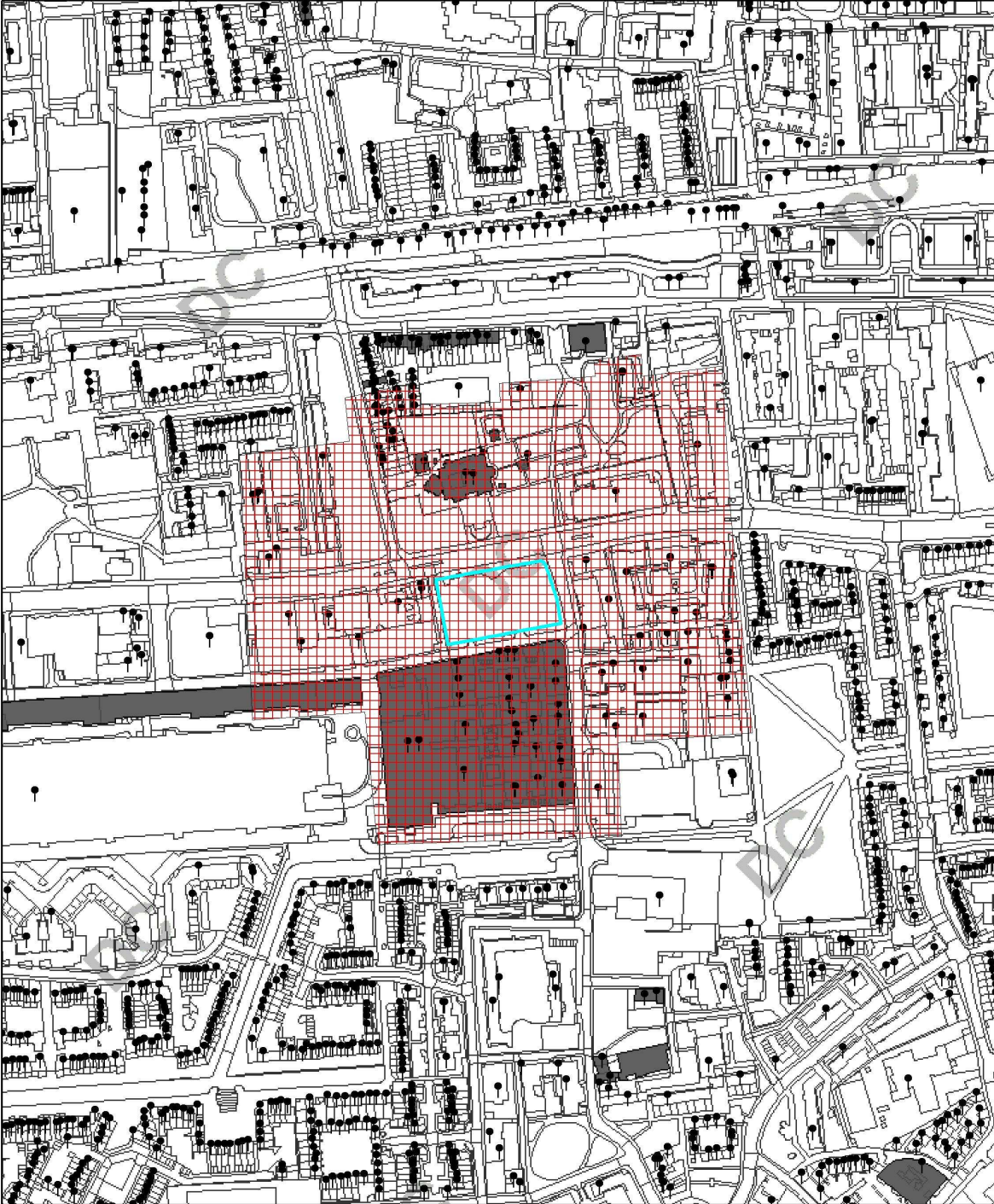
#### Other Contribution Requests


- 8.85 A contribution of £223,000 has been requested by TfL towards the cycle hire scheme in the area. TfL explain that the contribution would be used to relocate the already approved cycle hire docking station elsewhere as a result of the proposed development. The cycle hire docking station would meet the additional demand created by users of the proposed hotel.

## **9 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point

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